

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

THE ESTATE OF CAROLYN MILLER, THE
CAROLYN MILLER REVOCABLE TRUST,
LAURIE ROSEN RIEMER, individually and in her
capacities as Personal Representative of THE
ESTATE OF CAROLYN MILLER and trustee of
THE CAROLYN MILLER REVOCABLE TRUST,
THE ESTATE OF LEONARD MILLER, ROBERT
D. MILLER, in his capacity as Co-Personal
Representative of THE ESTATE OF LEONARD
MILLER, CORRINE M. COTT, in her capacity as
Co-Personal Representative of THE ESTATE OF
LEONARD MILLER, and JOANNE GAYLE
ROSEN, in her capacities as Personal Representative
of THE ESTATE OF CAROLYN MILLER and
trustee of THE CAROLYN MILLER REVOCABLE
TRUST,

Defendants.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05094 (SMB)

**STIPULATION AND ORDER
REFERRING MATTER TO DISCOVERY ARBITRATOR**

WHEREAS, on December 2, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action;

WHEREAS, Leonard Miller died during the pendency of this action;

WHEREAS, on December 10, 2015, the Estate of Leonard Miller, Corinne M. Cott, in her capacity as personal representative of the Estate of Leonard Miller; Robert B. Miller, in his capacity as personal representative of the Estate of Leonard Miller; and Joanne Gayle Rosen, in her capacities as successor Personal Representative of the Estate of Carolyn Miller and trustee of the Carolyn Rosen Miller Revocable Trust (“Defendants”, and together with the Trustee, the “Parties”), were substituted into the action [Dkt. 43];

WHEREAS on September 14, 2016, the Trustee filed a Letter Regarding Discovery Disputes [Dkt. 46] (“Letter”) seeking permission to file a motion to compel Defendants to respond to discovery requests and to produce documents, and to have Requests for Admission deemed admitted in accordance with Federal Rule of Civil Procedure 36(a)(3);

WHEREAS on September 27, 2016, Judge Bernstein held a telephonic discovery conference with the Parties to address Defendants’ discovery deficiencies, and granted the Trustee permission to file a motion to compel; and

WHEREAS on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the “October 4, 2016 Order”) appointing the Honorable Frank Maas (ret.), c/o JAMS, Inc. as Discovery Arbitrator (the “Discovery Arbitrator”) to resolve discovery disputes that may arise

and which have been specifically referred to him by the Court with consent of the parties to the dispute.

NOW, THEREFORE, THE PARTIES TO THIS STIPULATION AGREE AND STIPULATE AS FOLLOWS:

1. The Parties agree that the dispute set forth in the Trustee's Letter shall be resolved by the Discovery Arbitrator consistent with the procedures outlined in the October 4, 2016 Order.

2. The Parties agree that within three days of entry of this Stipulation, the Trustee will transmit via email a letter summarizing the dispute of no more than three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 7 of the October 4, 2016 Order.

3. The Parties agree that within ten days of entry of this Stipulation, Defendants will transmit via email their letter response not to exceed three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 8 of the October 4, 2016 Order.

4. The Parties agree that the Discovery Arbitrator shall thereafter establish procedures for resolution of the dispute, as contemplated in paragraph 8 of the October 4, 2016 Order.

5. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

ORDERED, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: October 31, 2016
New York, New York

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Madoff Investment Securities LLC and the
estate of Bernard L. Madoff*

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Attorneys for Defendants

So Ordered this 31st day of October, 2016.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE